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PATENT

Attorney Docket No.: 18563-000120

Assistant Commissioner for Patents

Washington, D.C. 20231, on SEPTEMBER 8, 2000

TOWNSEND and TOWNSEND and CREW LLP

By: Karen A. Hallock

Karen A. Hallock

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

MUHAMMAD CHISHTI et al.

Application No.: 09/466,353

Filed: December 17, 1999

For: METHOD AND SYSTEM FOR
INCREMENTALLY MOVING
TEETH

Examiner: Unassigned

Art Unit: 3732

PETITION UNDER 37 CFR §1.47(a)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Notice to File Missing Parts dated February 9, 2000, Applicants hereby petition for the acceptance of the accompanying Declaration which is signed by four of the five Inventors of the above-referenced patent application. In addition to the Declaration, this Petition is accompanied by (1) a Petition to Extend the Response Date by five months, (2) a Deposit Account Authorization to pay the Petition Fee as set forth in 37 CFR §1.17(i), (3) a supporting Declaration of Bao Tran, and (4) a supporting Declaration of James M. Heslin.

The above-referenced patent application was filed as a Continuation of PCT application PCT/US98/12861, filed on June 19, 1998, which claimed priority from and was a continuation-in-part of application no. 08/947,080, filed on October 8, 1997, now U.S. Patent No. 5,975,893, which claimed the benefit of provisional patent application no. 60/050,342, filed on June 20, 1997.

As explained in the accompanying Declaration of James M. Heslin, the undersigned, the provisional application no. 60/050,342 and the priority application no. 08/947,080, each named Muhammad Chishti, Apostolos Leros, Brian Freyburger, Kelsey Wirth, and Richard Ridgley, as Inventors. At the time of filing PCT/US98/12861, two additional inventors (Andrew Beers and Chase Garfinkle) were listed as Inventors, together with all five Inventors from the prior applications. At the time of responding to the Invitation to Correct Defects and submit Powers of Attorney from each of the Inventors (which was necessary since the United States was designated), Andrew Beers and Chase Garfinkle were removed as Inventors from the PCT application. Powers of Attorney from each of the remaining five Inventors were submitted.

At the time of filing the above-referenced continuation application, which is a continuation of PCT/US98/12861, with no added matter, Andrew Beers and Chase Garfinkle were again inadvertently listed as inventors on the unsigned Declaration accompanying the continuation application. Such a listing of Beers and Garfinkle was again in error, and neither Beers nor Garfinkle are in fact Inventors of any of the subject matter claimed in the above-referenced patent application.

The Declaration for the above-referenced patent application which is submitted herewith includes the names of all five individuals who are the inventors of the subject matter set forth and claimed in this application. The Declaration includes the signatures of four of the Inventors (Chishti, Freyburger, Wirth, and Ridgley) but not the fifth Inventor (Apostolos Leros), who has refused to sign the Declaration. In accordance with MPEP §409.03(a), the Declaration lists all Inventors, and is signed by the cooperating Inventors, thus fulfilling the requirements of 37 CFR §1.47(a) that all available joint inventors file the application "on behalf of" themselves and on behalf of a joint inventor who refuses to "join in an application."

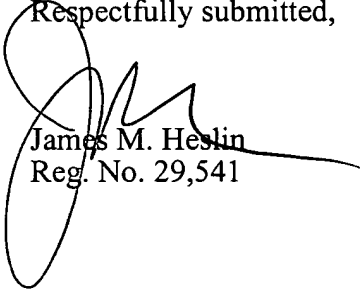
The cooperating Inventors and representatives of their Assignee have made diligent efforts to obtain the signature of Apostolos Leros on the Declaration. Proof of the diligent efforts, including documentary evidence, is presented in the form of the Declarations of Bao Tran and of James M. Heslin, the undersigned, which accompany this Petition.

The last known address for Apostolos Leros is 13205 Trail Drive Street, Austin, Texas 78737. The last known e-mail address for Mr. Leros is "toli_lerios@hotmail.com."

In view of the above, it is respectfully requested that the accompanying Declaration be accepted in support of the above-referenced patent application.

If for any reason, the Petition's Examiner believes that a telephone conference would in any way expedite prosecution of the subject application, the Examiner is invited to telephone the undersigned at 650-326-2400.

Respectfully submitted,



James M. Heslin
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